

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHAWN DERR and JEFF DERR,

Plaintiffs,

vs.

BOBBY GROVE and ANNETT  
HOLDINGS, Inc.;

Defendants.

**4:13CV3078**

**AMENDED  
PROGRESSION ORDER**

IT IS ORDERED that the final progression order is as follows:

- 1) The jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on **June 9, 2014**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **May 27, 2014 at 10:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on May 26, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on **March 11, 2014 at 8:30 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is December 2, 2013. Motions to compel Rule 33 through 36 discovery must be filed by November 18, 2013.
- 5) The deadline for identifying expert witnesses expected to testify at the trial is December 2, 2013.

- 6) The deadlines for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	December 2, 2013
For the defendant(s):	January 2, 2014

- 7) The deposition deadline is May 5, 2014.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is April 4, 2014. The parties are advised, however, that the trial and pretrial conference may be continued on the court's own motion if dispositive motions are filed after March 9, 2014.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 4, 2014.
- 10) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- 11) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

September 12, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge